

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION

United States of America, )  
                                  )  
                                  )  
Plaintiff,            )   **ORDER DENYING MOTION**  
                          )   **TO MODIFY DETENTION ORDER**  
vs.                    )  
                          )  
David James Demery,    )   Case No. 4:07-cr-094  
                          )  
Defendant.            )

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Before the Court is the Defendant's "Motion to Modify Detention Order," filed on January 29, 2008. The Government filed a response to the motion on January 31, 2008. Demery requests that he be released from detention to the third party custody of the Bismarck Transition Center pending sentencing. Demery contends that he does not pose a danger to the safety of any other person or the community and that he is not likely to flee. On February 11, 2008, Demery pled guilty to assault resulting in serious bodily injury. See Docket No. 19.

The Court has considered the factors set forth in 18 U.S.C. §§ 3142 and 3143 and finds, by clear and convincing evidence, that the Defendant poses a danger to others or to the community. Demery's prior history of a sexual offense and conviction in federal court, violent assaults, and alcohol abuse leads the Court to conclude that the Defendant poses a danger to others and to the community. Accordingly, the Court **DENIES** the Defendant's Motion to Modify Detention Order. (Docket No. 23-3.)

**IT IS SO ORDERED.**

Dated this 11th day of February, 2008.

*/s/ Daniel L. Hovland*

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Daniel L. Hovland, Chief Judge  
United States District Court